

AMENDED IN SENATE APRIL 8, 2014

SENATE BILL

No. 945

Introduced by Senator ~~Walters~~ Morrell

February 5, 2014

~~An act to amend Section 31452 of the Government Code, relating to county employees' retirement. An act to amend Section 60640 of the Education Code, relating to pupil assessment.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as amended, ~~Walters~~ Morrell. ~~County employees' retirement. Pupil assessment: California Assessment of Student Performance and Progress: history-social science.~~

Existing law establishes the Measurement of Academic Performance and Progress (MAPP), and, commencing with the 2013–14 school year, requires the MAPP to be composed of (1) a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified, (2) science grade level assessments in grades 5, 8, and 10, measuring specified content standards, (3) the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified, and (4) the Early Assessment Program. Existing law requires the Superintendent of Public Instruction, on or before March 1, 2016, to submit to the State Board of Education, the appropriate policy and fiscal committees of the Legislature, and the Director of Finance, recommendations on expanding the MAPP to include additional assessments, including assessments in history-social science, in accordance with specified requirements.

This bill would change the name of the MAPP to the California Assessment of Student Performance and Progress (CAASPP). The bill would require the CAASPP, commencing with the 2018–19 school year, to also be composed of a summative assessment in history-social science that is adopted by the state board, as specified. The bill would require the recommendations of the Superintendent submitted to the state board, the appropriate policy and fiscal committees of the Legislature, and the Director of Finance to include a plan to implement a summative assessment in history-social science commencing with the 2018–19 school year.

~~The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county and district employees. CERL exempts certain pension benefits and rights from taxation, limits their assignability, and provides that they are not subject to execution or other court process except in specified circumstances.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60640 of the Education Code is amended
2 to read:

3 60640. (a) There is hereby established the ~~Measurement~~
4 California Assessment of ~~Academic~~ Student Performance and
5 Progress, to be known as the ~~MAPP~~ CAASPP.

6 (b) Commencing with the 2013–14 school year, the ~~MAPP~~
7 CAASPP shall be composed of all of the following:

8 (1) (A) A consortium summative assessment in English
9 language arts and mathematics for grades 3 to 8, inclusive, and
10 grade 11 that measures content standards adopted by the state
11 board.

12 (B) In the 2013–14 school year, the consortium summative
13 assessment in English language arts and mathematics shall be a
14 field test only, to enable the consortium to gauge the validity and
15 reliability of these assessments and to conduct all necessary
16 psychometric procedures and studies, including, but not necessarily
17 limited to, achievement standard setting, and to allow the

1 department to conduct studies regarding full implementation of
2 the assessment system. These field tests and results shall not be
3 used for any other purpose, including the calculation of any
4 accountability measure.

5 (2) (A) Science grade level assessments in grades 5, 8, and 10
6 that measure content standards *adopted* pursuant to Section 60605,
7 until a successor assessment is implemented pursuant to
8 subparagraph (B).

9 (B) For science assessments, the Superintendent shall make a
10 recommendation to the state board as soon as is feasible after the
11 adoption of science content standards pursuant to Section 60605.85
12 regarding the assessment of the newly adopted standards. Before
13 making recommendations, the Superintendent shall consult with
14 stakeholders, including, but not necessarily limited to, California
15 science teachers, individuals with expertise in assessing English
16 learners and pupils with disabilities, parents, and measurement
17 experts, regarding the grade level and type of assessment. The
18 recommendations shall include cost estimates and a plan for
19 implementation of at least one assessment in each of the following
20 grade spans:

21 (i) Grades 3 to 5, inclusive.

22 (ii) Grades 6 to 9, inclusive.

23 (iii) Grades 10 to 12, inclusive.

24 (3) The California Alternate Performance Assessment in grades
25 2 to 11, inclusive, in English language arts and mathematics and
26 science in grades 5, 8, and 10, which measures content standards
27 adopted pursuant to Section 60605 until a successor assessment
28 is implemented. The successor assessment shall be limited to the
29 grades and subject areas assessed pursuant to paragraph (1) and
30 subparagraph (B) of paragraph (2).

31 (4) The Early Assessment Program established by Chapter 6
32 (commencing with Section 99300) of Part 65 of Division 14 of
33 Title 3.

34 (5) *Commencing with the 2018–19 school year, a summative*
35 *assessment in history-social science, as adopted by the state board*
36 *in accordance with the recommendations made pursuant to*
37 *paragraph (3) of subdivision (c).*

38 ~~(5)~~

39 (6) (A) The department shall make available to local educational
40 agencies a primary language assessment aligned to the English

1 language arts standards adopted pursuant to Section 60605, as it
2 read on January 1, 2013, for assessing pupils who are enrolled in
3 a dual language immersion program that includes the primary
4 language of the assessment and who are either nonlimited English
5 proficient or redesignated fluent English proficient. The cost for
6 the *primary language* assessment shall be the same for all local
7 educational agencies, and shall not exceed the marginal cost of
8 the assessment, including any cost the department incurs to
9 implement this ~~section~~ *paragraph*.

10 (B) A local educational agency may administer a primary
11 language assessment aligned to the English language arts standards
12 adopted pursuant to Section 60605, as it read on January 1, 2013,
13 at its own expense, and shall enter into an agreement for that
14 purpose with the testing contractor. If the local educational agency
15 chooses to administer a primary language assessment pursuant to
16 this paragraph, the department shall reimburse the local educational
17 agency for its costs, including a per pupil apportionment to
18 administer the assessment pursuant to subdivision (I). The
19 department shall determine the procedures for reimbursement.

20 (C) The Superintendent shall consult with stakeholders,
21 including assessment and English learner experts, to determine
22 the content and purpose of a stand-alone language arts summative
23 assessment in primary languages other than English that aligns
24 with the ~~English language~~ *English language* arts content standards.
25 The Superintendent shall consider the appropriate purpose for this
26 assessment, including, but not necessarily limited to, support for
27 the State Seal of Biliteracy and accountability. It is the intent of
28 the Legislature that an assessment developed pursuant to this
29 section be included in the state accountability system.

30 (D) The Superintendent shall report and make recommendations
31 to the state board at a regularly scheduled public meeting no sooner
32 than one year after the first full administration of the consortium
33 computer-adaptive assessments in English language arts and
34 mathematics summative assessments in grades 3 to 8, inclusive,
35 and grade 11, regarding an implementation timeline and estimated
36 costs of a stand-alone language arts summative assessment in
37 primary languages other than English.

38 (E) The Superintendent shall develop, and the state board shall
39 adopt, a primary language assessment. The Superintendent shall
40 administer this assessment no later than the 2016–17 school year.

1 (F) This paragraph shall be operative only to the extent that
2 funding is provided in the annual Budget Act or another statute
3 for the purpose of this section.

4 (c) No later than March 1, 2016, the Superintendent shall submit
5 to the state board recommendations on expanding the ~~MAPP~~
6 *CAASPP* to include additional assessments, for consideration at a
7 regularly scheduled public meeting. The Superintendent shall also
8 submit these recommendations to the appropriate policy and fiscal
9 committees of the Legislature and to the Director of Finance in
10 accordance with all of the following:

11 (1) In consultation with stakeholders, including, but not
12 necessarily limited to, California teachers, individuals with
13 expertise in assessing English learners and pupils with disabilities,
14 parents, and measurement experts, the Superintendent shall make
15 recommendations regarding assessments including the grade level,
16 content, and type of assessment. These recommendations shall
17 take into consideration the assessments already administered or
18 planned pursuant to subdivision (b). The Superintendent shall
19 consider the use of consortium-developed assessments, various
20 item types, computer-based testing, and a timeline for
21 implementation.

22 (2) The recommendations shall consider assessments in subjects,
23 including, but not necessarily limited to, ~~history-social science~~,
24 technology, visual and performing arts, and other subjects as
25 appropriate, as well as English language arts, mathematics, and
26 science assessments to augment the assessments required under
27 subdivision (b), and the use of various assessment options,
28 including, but not necessarily limited to, computer-based tests,
29 locally scored performance tasks, and portfolios.

30 (3) *The recommendations shall also include a plan to implement*
31 *a summative assessment in history-social science commencing*
32 *with the 2018–19 school year.*

33 ~~(3)~~

34 (4) The recommendations shall include the use of an assessment
35 calendar that would schedule the assessments identified pursuant
36 to paragraph (2) over several years, the use of matrix sampling, if
37 appropriate, and the use of population sampling.

38 ~~(4)~~

1 (5) The recommendations shall include a timeline for test
2 development, and shall include cost estimates for subject areas, as
3 appropriate.

4 ~~(5)~~

5 (6) Upon approval by the state board and the appropriation of
6 funding for this purpose, the Superintendent shall develop and
7 administer *the* approved assessments. The state board shall approve
8 test blueprints, achievement level descriptors, testing periods,
9 performance standards, and a reporting plan for each approved
10 assessment.

11 (d) For the 2013–14 and 2014–15 school years, the department
12 shall make available to local educational agencies Standardized
13 Testing and Reporting Program test forms no longer required by
14 the ~~MAPP~~ *CAASPP*. The cost of implementing this subdivision,
15 including, but not necessarily limited to, shipping, printing, scoring,
16 and reporting per pupil shall be the same for all local educational
17 agencies, and shall not exceed the marginal cost of the assessment,
18 including any cost the department incurs to implement this ~~section~~
19 *subdivision*. A local educational agency that chooses to administer
20 an assessment pursuant to this ~~section~~ *subdivision* shall do so at
21 its own expense, and shall enter into an agreement for that purpose
22 with a contractor, subject to the approval of the department.

23 (e) The Superintendent shall make available a paper and pencil
24 version of any computer-based ~~MAPP~~ *CAASPP* assessment for
25 use by pupils who are unable to access the computer-based version
26 of the assessment for a maximum of three years after a new
27 operational test is first administered.

28 (f) (1) From the funds available for that purpose, each local
29 educational agency shall administer assessments to each of its
30 pupils pursuant to subdivision (b). As allowable by federal statute,
31 recently arrived English learner pupils are exempted from taking
32 the assessment in English language arts. The state board shall
33 establish a testing period to provide that all schools administer
34 these tests to pupils at approximately the same time during the
35 instructional year. The testing period established by the state board
36 shall take into consideration the need of local educational agencies
37 to provide makeup days for pupils who were absent during testing,
38 as well as the need to schedule testing on electronic computing
39 devices.

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund ~~district~~ *local educational agency* participation in one or more tests per participant. Funds for this purpose shall be ~~utilized~~ *used* to allow for maximum participation in the field ~~test~~ *tests* across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount. With approval of the state board and the Director of Finance, the department shall amend the existing assessment contract to accommodate field testing beyond the representative sample, and to allow for special studies using information collected from the field tests.

(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph ~~(5)~~ (6) of subdivision (c).

(h) As feasible, the ~~MAPP CAASPP~~ field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The ~~MAPP CAASPP~~ field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.

(i) The governing board of a school district may administer achievement tests in grades other than those required by this section as it deems appropriate.

(j) The governing board of a school district may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605 to a pupil identified as limited English proficient enrolled in any of grades 2 to 11, inclusive, who either receives instruction in his or her primary language or has been enrolled in a school in the United States for less than 12 months until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to paragraph ~~(5)~~ (6) of subdivision (b). If the governing board of a school district chooses to administer this assessment,

1 it shall notify the department in a manner determined by the
2 department.

3 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
4 States Code, individuals with exceptional needs, as defined in
5 Section 56026, shall be included in the testing requirement of
6 subdivision (b) with appropriate accommodations in administration,
7 where necessary, and ~~those~~ *the* individuals with exceptional needs
8 who are unable to participate in the testing, even with
9 accommodations, shall be given an alternate assessment.

10 (l) (1) The Superintendent shall apportion funds appropriated
11 for these purposes to local educational agencies to enable them to
12 meet the requirements of subdivisions (b) and (c).

13 (A) For the ~~MAPP~~ *CAASPP* field tests administered in the
14 2013–14 school year or later school years, the Superintendent shall
15 apportion funds to local educational agencies if funds are
16 specifically provided for this purpose in the annual Budget Act.

17 (B) The Superintendent shall apportion funds to local
18 educational agencies to enable them to administer assessments
19 used to satisfy the voluntary Early Assessment Program in the
20 2013–14 school year pursuant to paragraph (4) of subdivision (b).

21 (2) The state board annually shall establish the amount of
22 funding to be apportioned to local educational agencies for each
23 test administered and annually shall establish the amount that each
24 contractor shall be paid for each test administered under the
25 contracts required pursuant to Section 60643. The amounts to be
26 paid to the contractors shall be determined by considering the cost
27 estimates submitted by each contractor each September and the
28 amount included in the annual Budget Act, and by making
29 allowance for the estimated costs to ~~school districts~~ *local*
30 *educational agencies* for compliance with the requirements of
31 subdivisions (b) and (c). The state board shall take into account
32 changes to local educational agency test administration activities
33 under the ~~MAPP~~, *CAASPP*, including, but not limited to, the
34 ~~number~~, *number and type of tests administered*, ~~administered~~ and
35 changes in computerized test registration and administration
36 procedures, when establishing the amount of funding to be
37 apportioned to local educational agencies for each test
38 administered.

39 (3) An adjustment to the amount of funding to be apportioned
40 per test shall not be valid without the approval of the Director of

Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(m) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (I), and the payments made to the contractors under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for that fiscal year.

(n) As a condition to receiving an apportionment pursuant to subdivision (I), a local educational agency shall report to the Superintendent all of the following:

(1) The pupils enrolled in the local educational agency in the grades in which assessments were administered pursuant to subdivisions (b) and (c).

(2) The pupils to whom an achievement test was administered pursuant to subdivisions (b) and (c) in the local educational agency.

(3) The pupils in paragraph (1) who were exempted from the test pursuant to this section.

(o) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the ~~MAPP~~, CAASPP, including, but not necessarily limited to, the grade 11 consortium summative assessments in English language arts and mathematics, for academic credit, placement, or admissions processes.

(p) Subject to the availability of funds in the annual Budget Act for this purpose, and exclusive of the consortium assessments, the Superintendent, with the approval of the state board, annually shall release to the public test items from the achievement tests pursuant to Section 60642.5 administered in previous years. Where feasible and practicable, the minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

(q) On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the ~~MAPP CAASPP~~ assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

~~SECTION 1. Section 31452 of the Government Code is amended to read:~~

~~31452. The right of a person to a pension, annuity, retirement allowance, return of contributions, the pension, annuity, or retirement allowance, an optional benefit, any other right accrued or accruing to a person under this chapter, the money in the fund created or continued under this chapter or the California Public Employees' Pension Reform Act of 2013, and property purchased for investment purposes pursuant to this chapter, are exempt from taxation, including inheritance tax, whether state, county, municipal, or district. They are not subject to execution or other court process except to the extent permitted by Section 31603 of this code and Section 704.110 of the Code of Civil Procedure, and are unassignable except as specifically provided in this chapter.~~